

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DETROY JOHNSON,)	
)	Civil Action
Plaintiff)	No. 2002-CV-04632
)	
vs.)	
)	
PENNSYLVANIA BOARD OF PROBATION)	
AND PAROLE,)	
DEPARTMENT OF CORRECTIONS,)	
DISTRICT ATTORNEY OF THE)	
COUNTY OF PHILADELPHIA and)	
ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Defendants)	

O R D E R

NOW, this 18th day of July, 2003, upon consideration of plaintiff's pro se petition for a preliminary injunction filed March 11, 2003; upon consideration of plaintiff's pro se Motion for Expungement of DNA/Immunity do [sic] to the Violations of the Constitutional Rights as Follows:, which motion was filed April 16, 2003; it appearing that on July 11, 2002 plaintiff filed a Petition for Writ of Habeas Corpus; it further appearing that by Order of our colleague District Judge John R. Pavoda dated July 30, 2002 plaintiff's petition for habeas corpus relief was referred to United States Magistrate Judge Carol Sandra Moore Wells for a Report and Recommendation; it further appearing that by Order of the undersigned dated April 11, 2003 we referred plaintiff's request for a preliminary injunction to Magistrate Judge Wells; it further appearing that pursuant to 28 U.S.C. § 636(b)(1)(A) we did not have authority to refer plaintiff's request for injunctive relief to the Magistrate Judge

in this matter; it further appearing that plaintiff's motion for preliminary injunction and plaintiff's motion for expungement may be related, _____

IT IS ORDERED that the Order of the undersigned referring plaintiff's request for a preliminary injunction to United States Magistrate Judge Carol Sandra Moore Wells is vacated.

IT IS FURTHER ORDERED that the Clerk of Court is directed to serve a copy of plaintiff's petition for a preliminary injunction filed March 11, 2003 and plaintiff's Motion for Expungement of DNA/Immunity do [sic] to the Violations of the Constitutional Rights filed April 16, 2003 on counsel for defendants.

IT IS FURTHER ORDERED that on or before August 6, 2003 defendants shall file response to plaintiff's petition for a preliminary injunction filed March 11, 2003 and plaintiff's Motion for Expungement of DNA/Immunity do [sic] to the Violations of the Constitutional Rights, together with a memorandum of law in opposition.

BY THE COURT:

James Knoll Gardner
United States District Judge